



Michigan Department of Natural Resources, Grants Management

Insert to *Development Project Procedures* (IC 1912)

The following changes to the procedures for submitting plans, specifications, and bidding documents for Land and Water Conservation Fund (LWCF) and Michigan Natural Resources Trust Fund (MNRTF)-assisted projects are effective beginning with projects selected for funding in fiscal year 2005.

The following information replaces that under the sections of the same names on pages 12-13 and 16-17 of the *Development Project Procedures* booklet (IC 1912; revised 4/26/2005).

BARRIER-FREE ACCESSIBILITY (pp. 12-13)

All completed projects must meet all applicable engineering standards and federal, state, and local requirements, including compliance with state and federal barrier-free accessibility requirements.

Federal Guidelines:¹ The federal Americans with Disabilities Act (ADA) recognizes and protects the civil rights of people with disabilities. The ADA requires, among other requirements, that newly constructed and altered state and local government facilities—including recreation facilities, places of public accommodation, and commercial facilities—be readily accessible to and useable by individuals with disabilities.

The ADA designates the Architectural and Transportation Barriers Compliance Board (Access Board) as the agency responsible for developing minimum accessibility guidelines for new and altered facilities. In 2002, the Access Board issued the latest version of the Americans with Disabilities Act Accessibility Guidelines (ADAAG). The 2002 ADAAG incorporated guidelines for a number of types of recreation facilities, including amusement rides, boating facilities, fishing piers and platforms, golf courses, miniature golf courses, sports facilities, swimming and wading pools, spas, and play areas.² The 2002 modifications to the ADAAG have not yet been adopted as enforceable standards; therefore, the guidelines for these recreation facilities are not strictly enforceable, *per se*. However, the standards for the access routes to these facilities are part of the enforceable standards contained in ADAAG. **We strongly recommend that the 2002 ADAAG be followed for all LWCF and MNRTF-assisted facility construction and renovation for which it applies.**

¹ The following information on requirements under the Americans with Disabilities Act is taken from the September 3, 2002 issue of the *Federal Register*, Vol. 67, No. 170.

² Guidelines for play areas were initially added to ADAAG in 2000.

In addition, the Access Board has proposed guidelines for outdoor developed areas--trails, beaches, and picnic and camping areas.³ Other agencies, such as the U.S. Forest Service, have developed their own guidelines for trails and other outdoor recreation facilities based on the Access Board's proposed guidelines. **While these guidelines have not been incorporated into ADAAG and the recreation facility guidelines contained in the 2002 ADAAG have not been adopted as federal standards, they represent the best information available on developing barrier free recreation facilities. As such, they may be upheld in a court of law.** Therefore, existing guidelines should be referred to by your Prime Professional when preparing plans and specifications for project facilities.

State requirements: The State of Michigan has a number of laws pertaining to the rights of persons with disabilities and the requirements for barrier free construction of buildings and other facilities, including the Persons with Disabilities Civil Rights Act (1976 PA 220, as amended); the Utilization of Public Facilities by Physically Limited Act (1966 PA 1, as amended) and the Sidewalks; Persons with Disabilities Act (1973 PA 8, as amended).

Under the Utilization of Public Facilities by Physically Limited Act, all public facilities, including improved areas used for recreation, must meet the barrier free design requirements contained in the state construction code. Under this Act, the administration and enforcement related to barrier free design requirements are vested in the local or state government agency responsible for issuing a building permit. If the project does not require a building permit, administration and enforcement of barrier free design requirements are vested in the Department of Labor and Economic Growth.

Any request for an exception to the barrier free design requirements of the state construction code must be submitted to the Barrier Free Design Board, within the Plan Review Division of the Department of Labor and Economic Growth. The Barrier Free Design Board has the responsibility to receive, review, and process requests for exceptions to barrier free design specifications; require appropriate equivalent alternatives when exceptions are granted; and receive, process, and make recommendations for barrier free design rules. **It is important to note that an exception granted by the Barrier Free Design Board does not supersede the accessibility requirements of the ADA.**

For more information on accessibility requirements, the following websites may be useful:

The Architectural and Transportation Barriers Compliance Board (the Access Board):

www.access-board.gov

The Great Lakes Disability and Business Technical Assistance Center: www.gldbtac.org

National Center on Disability: www.ncaonline.org

Americans with Disabilities Act Home Page: www.ada.gov

U.S. Forest Service: www.fs.fed.us/recreation/programs/accessibility

Michigan Department of Labor and Economic Growth, Plan Review Division:

www.michigan.gov/cis

³ *Recommendations for Accessibility Guidelines: Outdoor Developed Areas FINAL REPORT*, September 1999

PLAYGROUND SAFETY (pp.12-13)

All completed projects must meet all applicable engineering standards and federal, state, and local requirements, including compliance with the Playground Safety Act, 1997 PA 16, as amended.

For information on playground safety requirements, the following websites may be useful:

International Play Equipment Manufacturers Association: www.ipema.org/home.asp

American Society of Testing and Materials: www.astm.org

National Program for Playground Safety: www.uni.edu/playground.

SEEKING DNR APPROVAL OF PLANS AND SPECIFICATIONS (pp. 16-17)

To keep the project on schedule, you should submit plans and specifications to the DNR within 180 days following the date of execution of the Project Agreement. Plans and specifications for all items in the approved project scope must be submitted to the DNR for approval, in a single packet or multiple packets.

The DNR's review of plans and specifications will be limited to verification by your Grant Coordinator or other staff that the work to be performed conforms to the approved list of project items as defined in the signed Project Agreement and to verify that accessibility guidelines were used in designing facilities. The DNR's approval of the plans and specifications does not indicate that the plans meet engineering or architectural standards or barrier free accessibility requirements. The grantee is solely responsible for ensuring the plans and the final project meet engineering standards and all appropriate federal, state, and local requirements, including compliance with state and federal barrier free accessibility requirements.

To seek DNR approval of the plans and specifications, all of the following must be submitted in one or multiple packets:

- **The completed *Checklist for Submission of Plans, Specifications and Bid Documents for Recreation Grant Development Projects* (PR-1911; see Appendix E for an example).**

The DNR will provide you with a partially completed checklist and submission form specific to your project. If your packet does not include all scope items, a new form must be completed and submitted with each additional packet. If you are proposing to change the project as it was proposed in your approved MNRTF or LWCF grant application, see Section 4.

For each scope item listed on the checklist, indicate:

- The guidelines that were used in its design to ensure barrier free accessibility. If guidelines other than the 2002 ADAAG standards, the Access Board's guidelines for outdoor developed areas, or the state construction code were used, attach a written explanation why those particular guidelines were chosen;
- Whether it has been changed from what was described in the application. If so, attached a written description of the change and the reasons for the change;

- Whether the plans and specifications include the item; and
 - Whether the item will be constructed by contract or force account labor.
- **Sealed plans, specifications and bid documents**
The Prime Professional's seal is required on the first page of the plans, and on the cover page of the specifications booklet.
 - **A completed and signed *Professional Services Certification* form (PR-1903; Appendix C)**
By completing this form the grantee provides the name and qualifications of the Prime Professional (and additional professional service contractors) responsible for preparation of the plans and specifications. By signing the form, you also certify that the Prime Professional and other professional services contractors (such as a playground equipment vendor) will supervise the construction, assembly, and/or installation of equipment to ensure adherence to the plans and specifications and all applicable engineering standards.
 - **An itemized cost estimate for the project**
This estimate should reference the scope items as they appear in the Project Agreement.
 - **A brief project implementation schedule**
The schedule should list the major steps the grantee will take toward completing each scope item and the projected completion date for each step. The common steps that should be included in all schedules include the following; however, additional steps unique to the specific project can also be included in the schedule:
 - Complete Plans and Specifications and Submit to DNR for Approval
 - Secure Permits
 - Advertise for Bids/Quotes Award
 - Award of Construction and Purchase Contracts and Notify DNR of Contractor/Vendor Selection
 - Begin Construction/Procurement
 - Complete Construction/Procurement
 - Submit Reimbursement Request to DNR

This schedule must demonstrate that the project will be completed within the project completion period included in your Project Agreement. An example implementation schedule is included in Appendix F. The example is in table form; however, any format—including charts, graphic timelines, or narrative—is acceptable.

Upon DNR approval of the plans and specifications, the grantee may:

 - Initiate the contracting process for work to be performed by contract;
 - Initiate work to be done with the grantee's own labor (force account); and
 - Initiate the procurement of project materials.